

**REMARKS/DISCUSSION OF ISSUES**

Claims 1-13 are pending in the application.

Reexamination and reconsideration are respectfully requested in view of the following Remarks.

**35 U.S.C. §§ 102 & 103**

The Office Action rejects claims 1-11 and 13 under 35 U.S.C. § 102 over Goldstein U.S. Patent 5,410,326 ("Goldstein"), and claim 12 under 35 U.S.C. § 103 over Goldstein.

Applicants respectfully traverse these rejections for at least the following reasons.

**Claim 1**

Among other things, the method of claim 1 includes communicating to the remote server an indication of the plurality of sources that are available to supply content to the audio/video device, and receiving at the control device from the remote server respective representations of respective ones of the sources for being rendered at a user interface of the control device.

Applicants respectfully submit that Goldstein does not disclose any method that includes this combination of features.

The Office Action identified the remote control device 5 as supposedly corresponding to the control device of claim 1, and the database 700 shown in FIG. 23 as supposedly corresponding to the remote server of claim 1.

Applicants respectfully submit that Goldstein does not disclose communicating to remote server 700 an indication of a plurality of sources that are available to supply content to an audio/video device.

The Office Action states that Goldstein discloses this at col. 7, line 67 – col. 8, line 6.

Applicants respectfully disagree. The cited text merely discloses that data embedded in a television signal may be transferred to remote control device 5. The text does not disclose communicating anything to remote server 700 – indeed, the

text does not mention remote server 700 at all.

Therefore Applicants respectfully submit that Goldstein does not disclose the method of claim 1.

Applicants also respectfully submit that Goldstein does not disclose receiving at remote control device 5 from database 700 respective representations of respective ones of the sources for being rendered at a user interface of the control device 5.

The Office Action states that Goldstein discloses this at col. 7, line 67 – col. 8, line 6, and col. 8, lines 42-46 and 65-68.

Applicants respectfully disagree. The cited text discloses: (1) that data embedded in a television signal may be transferred to remote control device 5; (2) that data embedded in a television signal may include data for configuring a modem in telephone module 25; and (3) that a microprocessor in remote control device 5 generates a series of linked menus that are displayed on the touch-sensitive screen 10 of remote control device 5. The text does not disclose that remote control device 5 receives from remote server 700 respective representations of respective ones of the sources for being rendered at a user interface of the remote control device 5. In this regard, it is noted that it is important when reading Goldstein to carefully distinguish between video menus which are communicated to telephone module 25 and displayed on television screen 9, and the linked menus that are displayed on touch-sensitive screen of the remote control device 5. Applicants respectfully submit that Goldstein does not disclose that remote server 700 transmits to remote control 5 representations of respective ones of a plurality of sources that are available to supply content to the audio/video device (e.g., television 9), where the representations are for being rendered at a user interface of the remote control device 5.

Goldstein discusses remote server 700 in cols. 32-36 with respect to FIGs. 23A-B, and discloses a method of communicating to telephone module 25 television menus to be displayed on television screen 9. Applicants respectfully submit that nowhere in this text does Goldstein disclose communicating to remote server 700 an

indication of a plurality of sources that are available to supply content to an audio/video device 9, or receiving at remote control device 5 from database 700 respective representations of respective ones of the sources that are available to supply content to an audio/video device, for such representations to be rendered at a user interface of the remote control device 5.

Therefore, Applicants respectfully submit that claim 1 is patentable over Goldstein. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn, and that claim 1 be allowed.

#### Claims 2-13

Claims 2-13 depend from claim 1 and are deemed patentable for at least the reasons set forth above with respect to claim 1, and for the following additional reasons.

#### Claim 2

Applicants respectfully submit that col. 27, lines 37-40 of Goldstein does not disclose communicating respective identifiers, local to the user, of respective ones of a plurality of sources that are available to supply content to an audio/video device, and instead only discloses his system can be used to help marketing research identify musical tastes, viewing habits, etc. within a given locality.

#### Claim 3

Applicants respectfully submit that col. 10, lines 3-40 of Goldstein does not disclose any look-up table – and particularly, a look-up table of associations of respective local identifiers and respective representations of content sources.

#### Claim 4

The Office Action states that Goldstein “inherently” discloses: (1) that sources whose indications are communicated to remote server 700 (see base claim 1) comprise broadcast channels having channel numbers; and (2) that representations of these broadcast channels rendered at a user interface of remote control device 5 (again, see base claim 1) and for which control code is received at remote control device 5 (see intervening claim 2) comprises one of a logo and a call sign of the broadcast channel.

Applicants respectfully disagree. Applicants also respectfully submit that the Office Action fails to make the showing for a rejection based on inherency as required under M.P.E.P. § 2112(IV) (e.g., “*In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.*”).

Claim 5

Applicants respectfully submit that FIG. 6 does not show that a corresponding one of the representations associated with a channel number is indicative of semantics of the content broadcast on the broadcast channel. FIG. 6 shows an advertisement (see col. 11, lines 16-21) that may be displayed on touch-screen 10 – not a representation associated with a channel number wherein user interaction with the representation causes remote control device 5 to provide a command to the audio/video device to select a specific one of a plurality of content sources associated with the specific representation (see base claim 1).

Claim 6

Applicants respectfully submit that, at most, col. 15, lines 41-48 & col. 27, lines 31-40 suggests that a telephone call is made to communicate information regarding a user's geographical location to a remote database. The text does not disclose that this has anything to do with communicating to remote server 700 an indication of a plurality of sources that are available to supply content to a audio/video device, or that communicating to remote server 700 an indication of the plurality of sources that are available to supply content to the audio/video device comprises communicating to the remote server an indication of a geographical area in which the user resides.

Claim 7

Applicants respectfully submit that nothing in FIG. 6 or col. 9, lines 3-37 discloses communicating to the remote server 700 an indication of a content service provider that provides the content to the audio/video device.

Claims 8 & 9

Applicants respectfully submit that Goldstein does not disclose – inherently or otherwise – that a representation that is rendered at a user interface of remote control device 5 (see base claim 1) and which is associated with a channel number for a broadcast channel comprises: a video frame of the content currently being broadcast on the broadcast channel (claim 8) or a video frame of the content to be broadcast in the future on the broadcast channel (claim 9).

Regarding claim 8, Applicants also again respectfully submit that the Office Action fails to make the showing for a rejection based on inherency as required under M.P.E.P. § 2112(IV)

Regarding claim 9, Applicants also again respectfully submit that FIG. 6 shows an advertisement – not a video frame of content to be broadcast in the future on the broadcast channel associated with a representation that is rendered at a user interface of remote control device 5, wherein user interaction with the representation causes remote control device 5 to provide a command to an audio/video device to select a specific one of the sources associated with the specific representation (see base claim 1).

Claim 11

Applicants respectfully submit that col. 35, lines 60-67 does not disclose that remote control device 5 communicates with remote server 700. Indeed, the cited text does not mention remote control device 5. Again, it is noted that it is important when reading Goldstein to carefully distinguish between the video menus which are communicated to telephone module 25 and displayed on television screen 9, and the linked menus that are displayed on touch-sensitive screen of the remote control device 5.

**CONCLUSION**

In view of the foregoing explanations, Applicants respectfully request that the Examiner reconsider and reexamine the present application, allow claims 1-14 and pass the application to issue. In the event that there are any outstanding matters

remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

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